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SENATE BILL 132

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Clinton D. Harden

FOR THE NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO WATER; CHANGING STANDARDS FOR PRIORITIZATION OF  
WATER PROJECTS BY THE WATER TRUST BOARD; PROVIDING FOR A  
DESIGNEE TO THE WATER TRUST BOARD; REMOVING THE DROUGHT STRIKE  
TEAM FROM WATER TRUST BOARD DUTIES; PROVIDING FOR  
APPROPRIATIONS AND DONATIONS TO THE WATER PROJECT FUND;  
RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-4A-4 NMSA 1978 (being Laws 2001,  
Chapter 164, Section 4) is amended to read:

"72-4A-4. WATER TRUST BOARD CREATED. --

A. The "water trust board" is created. The board  
is composed of the following fifteen members:

(1) the state engineer or ~~his~~ the state  
engineer's designee, who shall be the chairman of the board;

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1 (2) the executive director of the New Mexico  
2 finance authority or the executive director's designee;

3 (3) the secretary of environment or [~~his~~] the  
4 secretary's designee;

5 (4) the secretary of energy, minerals and  
6 natural resources or [~~his~~] the secretary's designee;

7 (5) the director of the department of game and  
8 fish or [~~his~~] the director's designee;

9 (6) the director of the New Mexico department  
10 of agriculture or [~~his~~] the director's designee;

11 (7) the executive director of the New Mexico  
12 municipal league or [~~his~~] the executive director's designee;

13 (8) the executive director of the New Mexico  
14 association of counties or [~~his~~] the executive director's  
15 designee;

16 (9) five public members appointed by the  
17 governor and confirmed by the senate and who represent:

18 (a) the environmental community;

19 (b) an irrigation or conservancy  
20 district that uses surface water;

21 (c) an irrigation or conservancy  
22 district that uses ground water;

23 (d) acequia water users; and

24 (e) soil and water conservation  
25 districts;

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1 (10) one public member appointed by the  
2 [~~commission on~~] secretary of Indian affairs; and

3 (11) the president of the Navajo Nation or  
4 [~~his~~] the president's designee.

5 B. The board shall meet at the call of the chairman  
6 or whenever three members submit a request in writing to the  
7 chairman, but not less often than once each calendar year. A  
8 majority of members constitutes a quorum for the transaction of  
9 business. The affirmative vote of at least a majority of a  
10 quorum present shall be necessary for an action to be taken by  
11 the board.

12 C. Each public member of the board appointed by the  
13 governor shall be appointed to a four-year term. To provide  
14 for staggered terms, two of the initially governor-appointed  
15 public members shall be appointed for terms of two years and  
16 three members for terms of four years. Thereafter, all  
17 governor-appointed members shall be appointed for four-year  
18 terms. Vacancies shall be filled by appointment by the  
19 governor for the remainder of the unexpired term.

20 D. Public members of the board shall be reimbursed  
21 for attending meetings of the board as provided for nonsalaried  
22 public officers in the Per Diem and Mileage Act and shall  
23 receive no other compensation, perquisite or allowance.

24 E. Public members of the board are appointed public  
25 officials of the state while carrying out their duties and

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1 activities under the Water Project Finance Act. "

2 Section 2. Section 72-4A-5 NMSA 1978 (being Laws 2001,  
3 Chapter 164, Section 5, as amended by Laws 2003, Chapter 139,  
4 Section 3 and by Laws 2003, Chapter 365, Section 1) is amended  
5 to read:

6 "72-4A-5. BOARD--DUTIES.--The board shall:

7 A. adopt rules governing terms and conditions of  
8 grants or loans recommended by the board for appropriation by  
9 the legislature from the water project fund, giving priority to  
10 projects [~~that have urgent needs, that have been identified for~~  
11 ~~implementation of~~] that have been identified as being urgent to  
12 meet the needs of a regional water planning area in accordance  
13 with part of a regional water plan under development or in  
14 accordance with a completed regional water plan [that is]  
15 accepted by the interstate stream commission, [and] that have  
16 matching contributions from federal or local funding sources  
17 available and that have obtained all requisite state and  
18 federal permits and authorizations necessary to initiate the  
19 project; and

20 B. authorize qualifying water projects to the  
21 authority that are for:

22 (1) storage, conveyance or delivery of water  
23 to end users;

24 (2) implementation of federal Endangered  
25 Species Act of 1973 collaborative programs;

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- 1 (3) restoration and management of watersheds;
- 2 (4) flood prevention; or
- 3 (5) [water] conservation, recycling, treatment
- 4 or reuse of water as provided by law [and

5 ~~C. create a drought strike team to coordinate~~  
6 ~~responses to emergency water shortages caused by drought~~  
7 ~~conditions]. "~~

8 Section 3. Section 72-4A-9 NMSA 1978 (being Laws 2001,  
9 Chapter 164, Section 9) is amended to read:

10 "72-4A-9. WATER PROJECT FUND--CREATED--PURPOSE. --

11 A. The "water project fund" is created in the New  
12 Mexico finance authority and shall consist of distributions  
13 made to the fund from the water trust fund and payments of  
14 principal of and interest on loans for approved water projects.  
15 The fund shall also consist of any other money appropriated,  
16 donated, distributed or otherwise allocated to the fund for the  
17 purpose of supporting water projects pursuant to provisions of  
18 the Water Project Finance Act. The fund shall be administered  
19 by the authority. Income from investment of the water project  
20 fund shall be credited to the fund. Balances in the fund at  
21 the end of any fiscal year shall not revert to the general  
22 fund. The water project fund may consist of such subaccounts  
23 as the authority deems necessary to carry out the purposes of  
24 the fund. The authority may establish procedures and adopt  
25 rules as required to administer the fund and to recover from

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1 the fund costs of administering the fund and originating grants  
2 and loans.

3 B. Money in the water project fund may be used to  
4 make loans or grants to qualified entities for any project  
5 approved by the legislature.

6 C. The authority is authorized to issue revenue  
7 bonds payable from the proceeds of loan repayments made into  
8 the water project fund upon a determination by the authority  
9 that issuance of the bonds is necessary to replenish the  
10 principal balance of the fund. The net proceeds from the sale  
11 of the bonds shall be deposited in the water project fund. The  
12 bonds shall be authorized and issued by the authority in  
13 accordance with the provisions of the New Mexico Finance  
14 Authority Act. "

15 Section 4. REPEAL.--Laws 2003, Chapter 139, Section 3 is  
16 repealed.

17 Section 5. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2005.